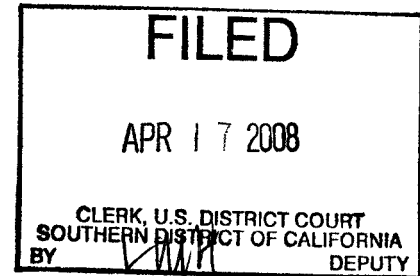


Dorothy Rees Shelton  
Attorney At Law  
California State Bar No. 74940  
110 West "C" Street, Suite 711  
San Diego, California 92101  
Tel: (619) 239-9387



Attorney for Material Witnesses GAUDENCIO BARRAGAN-MORALES and  
SALVADOR ISQUIERDO-ISQUIERDO

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(THE HONORABLE CATHY ANN BENCIVENGO)

UNITED STATES OF AMERICA,

Plaintiff,

v.

FELIPE JASSO-RIOS,

Defendant.

Criminal Case No. 08 cr 0159 BEN  
Magistrate Case No. 07 mg 3012 CAB

DATE: APRIL 17, 2008  
TIME: 9:30 AM

ORDER

SETTING VIDEO DEPOSITIONS OF  
MATERIAL WITNESSES  
GAUDENCIO BARRAGAN-MORALES  
SALVADOR ISQUIERDA-ISQUIERDA

On Application of Attorney Dorothy Shelton, on behalf of the above named Material Witnesses,  
and good cause appearing:

1. Material Witnesses GAUDENCIO BARRAGAN-MORALES and SALVADOR ISQUIERDA  
ISQUIERDA currently being held in custody in Case Number 08 cr 0159 BEN shall be deposed on  
May 1, 2008 at 10 Am, at a place designated in the United  
States Attorneys Office at 880 Front Street, San Diego, California.

2. All parties shall attend the Depositions. The arresting agency shall bring the material  
witnesses to the Deposition. If any defendant is in custody, that defendant or those defendants shall

1 be brought separately to the Deposition. A United States Marshal shall remain present throughout the  
2 proceeding.

3 3. The United States Attorney's office shall provide a videotape and audio tape operator  
4 and arrange for a court certified interpreter to be present for the material witnesses, if necessary.

5 4. The cost of the interpreter for the Material Witnesses will be borne by the Court

6 5. If the defendant or defendants need an interpreter independent of the Material Witness  
7 interpreter (if any), defense Counsel will arrange for a court-certified interpreter to be present. The  
8 cost of a separate interpreter for the defendant(s) shall be paid by the Court.

9 6. A notary is to preside at the Deposition in accordance with Rule 28 (a), Fed. R. Civ.P. The  
10 parties may, by written stipulation, agree to selection of any State certified notary. In the absence of  
11 a written stipulation, the U.S. Attorney's Office shall provide and pay for a notary as set forth in  
12 Fed. R. Civ.P. (28) c.

13 7. The Deposition shall be both videotaped and audiotaped. Prior to the conclusion of the  
14 Deposition, the deponents, or a party, may, for good faith reasons, elect to have the deponents review the  
15 videotaped record of his deposition so as to check the recording for errors or omissions , and to note  
16 any changes. Any errors or changes, and the reasons for making them, shall be stated in writing, and  
17 such writing shall be signed the deponent(s).

18 8. The videotape operator shall select and supply all equipment required to videotape the  
19 deposition, and shall determine all matters of staging and technique, such as number and placement  
20 of cameras and microphones, lighting, camera angle, and background. He or she shall determine  
21 these matters in a manner that accurately reproduces the appearance of each witness, and assures  
22 clear reproduction of both the witness' testimony and the statements of Counsel. The witness, or  
23 any party to the action, may place upon the record any objection to the videotape operator's handling  
24 of any of these matters. Such objections shall be considered by the Court in ruling on the admissibility  
25 of the video record. All such objections shall be deemed waived unless made promptly after the  
26 objector knows, or has reasonable grounds to know, of the basis of such objection.

27 9. The deposition shall be recorded in a fair, impartial, objective manner. The videotape  
28 equipment shall be focused on the witness; however, the videotape operator may from time to time

1 focus upon charts, photographs, exhibits or like material being shown to the witness during the  
2 deposition.

3 10. Before examination of each witness, the Assistant United States Attorney shall state on  
4 the video record his or her name; the date, time and place of the deposition; the name of the witness and  
5 the caption of the action; the identity of the parties, and the names of all persons present in the  
6 deposition room. A notary shall then swear the witness on the video record. Further, at the beginning of  
7 the examination by each Counsel, Counsel shall identify himself or herself, and his or her respective  
8 client on the record.

9 11. The videotape operator shall not stop the video recorder after the Deposition commences  
10 until it concludes, except, however, that any party may request a cessation for a brief recess, which  
11 request will be honored unless another party objects and states the basis for said objection on the  
12 record. Each time the tape is stopped or started, the operator shall announce the time on the record.  
13 If the Deposition requires the use of more than one tape, the end of each tape, and the beginning of  
14 the next tape shall be announced orally on the video record by the operator.

15 12. Testimonial evidence objected to shall be recorded as if the objection had been overruled,  
16 and the Court shall rule on the objections prior to admitting that portion of the Deposition. The  
17 party raising the objection(s) shall be responsible for preparing a transcript for the Court to consider.  
18 All objections to the evidence presented shall be deemed waived unless made during the Deposition.

19 13. The party offering the Deposition into evidence at trial shall be responsible for providing  
20 the Court with a transcript of the portions so offered. The transcript will be used in lieu of  
21 contemporaneous transcription by the Court Reporter.

22 14. Copies of all exhibits utilized during the videotaped Deposition shall be attached to the  
23 videotaped record.

24 15. At the conclusion of the Deposition, the Government and defendant(s) will advise the  
25 Material Witness attorney if they intend to object to the release of the Material Witnesses. If the  
26 parties do not object to the release of the Material Witnesses, the Government will immediately approve  
27 the Material Witness Release Orders. The Government will provide the Witnesses with subpoenas  
28 for the trial date, and travel fund advance letters.

1 16. If either party objects to the release of the Material Witnesses, the objecting party must  
2 within four business hours after the Deposition has concluded, request a hearing on the issue before  
3 the District Court. At the Hearing, the objecting party must be prepared to show why live witness  
4 testimony is vital to its case. If, after the hearing, the Court decides to release the Material Witnesses,  
5 the Material Witness attorney should file the Material Witness Release Orders immediately. Again,  
6 the Government must serve the Material Witnesses with trial subpoenas, and travel fund advance  
7 letters before they are released from custody.

8 17. The Assistant United States Attorney shall maintain custody of the original videotape  
9 of the Deposition along with a certificate signed by the videotape operator attesting that it is an  
10 accurate and complete recording of the Deposition until such time as any party or the Material Witnesses  
11 attorney requests that it be filed with the Court.

12 18. Upon such request, the Assistant United States Attorney shall file this original tape, along  
13 with the Certification, with the Court in a sealed envelope marked with the caption of the case, the  
14 names of the witnesses, and the date of their Deposition.

15 19. Upon request by either party, the Assistant United States Attorney shall provide a copy  
16 of the videotaped Deposition to the requesting party at the requesting party's expense.

17 20. The stenographic transcript shall be filed with the Court as necessary pursuant to the  
18 Federal Rules of Civil Procedure, and the Local Civil Rules of this Court, as applicable.

19 21. Unless waived by the parties, prompt notice shall be given to all parties of the filing of  
20 the videotaped record of the Depositions with the Court pursuant to Fed. R. Civ.P. 30(f) (3).

21 **IT IS SO ORDERED**

22   
23 \_\_\_\_\_  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28